COURT NO.3

Civil Contempt Petition No. 170 of 2002

Bahadur Singh Rana ……Petitioner

Vs.

Laxman Singh Kalakoti & antother ….Respondents

….

Hon'ble Irshad Hussain, J:

Heard Sri L.P.Naithani, Sr. Advocate learned counsel for the petitioner and Sri K.P.Upadhayaya, learned standing counsel for respondent.

This is a contempt petition pointing out that the compliance of the order of court dated 20.9.2001 has not been made in as much as the petitioner has not been paid salary with effect from 01.10.2000 to 09.10.2001, although he is deemed in continuous service in view of the illegal superannuation having been set aside by the court. The contention on behalf of the respondent is that since there is no specific order the petitioner is not entitled to pay for that period. It was also submitted that the petitioner had not worked during this period and therefore contempt was not committed for not paying salary. Considering the facts and circumstances of the case, the contention of the respondent is without substance. The reason being that Court found that the petitioner continued to be in service till he attained the

actual superannuation and considering this there was no need to pass any specific order for payment of the salary for above period. The petitioner being entitled to salary for the above period, the respondent-authority is directed to pay the salary of the petitioner within a period of four weeks, with this, the petition is disposed of finally and notice discharged.

(Irshad Hussain, J.)

02.05.03./B.